

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED
for Roanoke
OCT 15 2010
BY: JULIA C. DUDLEY CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MICHAEL SHAWN BENTON,
Petitioner,

v.

COMMONWEALTH OF VIRGINIA,
Respondent.

) Civil Action No. 7:10-cv-00458
)
) FINAL ORDER
)
) By: Hon. Jackson L. Kiser
) Senior United States District Judge
)

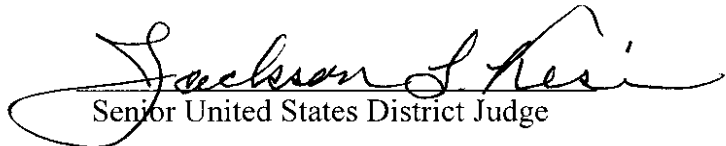
In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that petitioner's petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, is **DISMISSED** without prejudice for failure to exhaust state court remedies; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this final order and the accompanying memorandum opinion to the petitioner.

ENTER: This 15th day of October, 2010.


Senior United States District Judge